



19 AUG 2008

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1001 G Street, NW  
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Washington, DC 20001

In re Application of :  
BOSE *et al* :  
U.S. Application No.: 10/560,285 :  
PCT No.: PCT/US2004/018435 :  
Int. Filing Date: 10 June 2004 :  
Priority Date: 12 June 2003 :  
Attorney Docket No.: 003433.00096 :  
For: BUSINESS PROCESS AUTOMATION :

**DECISION**

This decision is in response to the papers filed 20 June 2008 and 30 June 2008 which are treated as a renewed petition under 37 CFR 1.47(a).

**BACKGROUND**

On 20 November 2007, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 29 February 2008, a Notice of Abandonment was mailed for failing to respond to the Decision on Petition mailed 20 November 2007.

On 20 June 2008, applicants filed the renewed petition which was accompanied by, *inter alia*, a five-month extension and documentary evidence.

On 30 June 2008, applicants filed a supplement to the renewed petition which included a declaration executed by two of the three nonsigning inventors.

**DISCUSSION**

**Notice of Abandonment**

The Notice of Abandonment mailed 29 February 2008 was sent in error. Applicants have extendable rights pursuant to 37 CFR 1.136(a) to respond to the prior decision.

As such, the Notice of Abandonment mailed 29 February 2008 is hereby **VACATED**.

**Renewed Petition Under 37 CFR 1.47(a)**

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address(es) of the nonsigning joint inventor(s); (4) and an oath or declaration executed by the signing joint inventor(s) on their behalf and on behalf of the nonsigning joint inventor(s). Item (2) was not satisfied in the initial petition.

In the renewed petition, the 37 CFR 1.47(a) applicants have located all three inventors and have managed to obtain the cooperation of two of the three nonsigning inventors. Petitioners provided a declaration executed by Ziyang Duan and Radu Grosu in their supplemental response filed 30 June 2008. This declaration is in compliance with 37 CFR 1.497(a) and (b) and meets the requirements of section 409.03(a) of the MPEP.

With regards to co-inventor, Subhra Bose, the 37 CFR 1.47(a) applicants have obtained updated contact information for Mr. Bose at:

1194 Estates Dr.  
Ossining, NY 10562  
[subhra.bose@gmail.com](mailto:subhra.bose@gmail.com)

The 37 CFR 1.47 applicants sent a complete copy of the subject application to Mr. Bose via email on 10 June 2008, followed by a hard copy to his address on 13 June 2008. Petitioners contacted Mr. Bose using the telephone and email on several occasions. Mr. Bose indicated that he would cooperate and would provide a copy of the Declaration via facsimile on 20 June 2008. However, no response from Mr. Bose has been received as of 30 June 2008. Petitioners included documentary evidence in support of the facts outlined.

Petitioners claim that the conduct of Mr. Bose constitutes a refusal to cooperate. A review of the evidence presented indicates that Mr. Bose received a complete copy of the subject application and has been given ample time to respond. The failure to respond constitutes a refusal to cooperate as contemplated by § 409.03(d)(II) of the MPEP. This is sufficient to satisfy item (2) of 37 CFR 1.47(a).

All items of 37 CFR 1.47(a) are complete.

**CONCLUSION**

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 10 June 2004 under 35

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U.S.C. 363, and a 35 U.S.C. 371 date of 30 June 2008.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

A handwritten signature in black ink, appearing to read "James Thomson". The signature is fluid and cursive, with the first name "James" being more prominent than the last name "Thomson".

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Mr. Bose:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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